

Application No. 10/713,569
Amendment dated June 26, 2006
In Response to Non-Final Office Action mailed May 26, 2006
Page 9 of 11

REMARKS

Claims 1-2, 4-5, 7-8, 10-11, and 13-30 are pending. Claims 1, 4, 7 and 10 have been amended. Claims 25-30 have been added. New claims 25 and 27 are identical to original claims 3 and 6, respectively. Support for the amended claims 1, 4, 7 and 10 can be found in the Applicant's specification, for example, in paragraph 20, lines 9-10, and in original claims 1, 4, 7 and 10. Support for new claims 26 and 28-30 can be found in the Applicant's specification, for example, in paragraph 20, lines 16-19. No new matter has been introduced by the amendment.

1. Claim Rejections under 35 U.S.C. § 102(b), Allowable Subject Matter and New Claims

Claims 1-2, 4-5, 7-8, 10-11, 13 and 19-20 have been rejected under 35 U.S.C. § 102(b) over Molins et al. (U.S. Pat. No. 4,111,740). Claims 14 and 17-18 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant respectfully traverses the rejections based on the following remarks.

Molins describes an apparatus for joining axially abutting rods of the cigarette industry in which the filter sections (cigarette rods or two-up filtered cigarette rods) 10 are rolled relative to the rolling drum 14 and relative to the rolling plate 18, starting with the fingers 18A (see column 2, lines 30-32). That is, the filter sections 10 are moving to a new location while being rotated rather than maintained in one location relative to the rolling drum and the rolling plate.

Application No. 10/713,569
Amendment dated June 26, 2006
In Response to Non-Final Office Action mailed May 26, 2006
Page 10 of 11

In contrast, the apparatus for producing a cigarette recited in amended claims 1 and 4 comprises means for rotating the cigarette rod while maintaining the cigarette rod in one location relative to said means for rotating. Similarly, the method for producing a cigarette recited in claims 7 and 10 comprises rotating the cigarette rod using a transfer drum and a cooperating laser cam while maintaining the cigarette rod in one location relative to the transfer drum and the cooperating laser cam.

In view of the amended claims 1, 4, 7 and 10, and the above remarks, the Applicant respectfully submits that rejections against amended claims 1, 4, 7 and 10, and dependent claims 2/19, 5/20, 8, and 11/13, which depend from amended independent claims 1, 4, 7 and 10, respectively, have been overcome and should be withdrawn. Accordingly, the objections against dependent claims 14 and 17-18 are moot and should be withdrawn. The Applicant further respectfully submits that new claims 25-26, 27-28, 29 and 30, which depend from amended independent claims 1, 4, 7 and 10, respectively, thus should be allowable.

Further, in the amendment filed March 7, 2006 in response to a previous non-final Office Action mailed December 19, 2005, claims 1 and 4 were amended to include allowable subject matter from original claims 3 and 6 to overcome rejections over Luke (U.S. Pat. No. 4,583,558). The limitation added in the previous amendment ("said means for rotating comprising a transfer drum and a cooperating laser cam") has been deleted from amended claims 1 and 4 in the present amendment.

Luke describes a method of marking a smoking-article in which the cigarette rod 7 is caused to roll over the surface 2 of the plate 3 or to pass across the faces of each heated die 1 (see column 3, lines 44-46; and column 4, lines 65-68). That is, the cigarette rod 7 is moving to a new location while being rotated rather than maintained

Application No. 10/713,569
Amendment dated June 26, 2006
In Response to Non-Final Office Action mailed May 26, 2006
Page 11 of 11

in one location relative to the plate 3. Accordingly, the Applicant further respectfully submits that, similar to the above arguments regarding Molins, the amended claims 1 and 4 are distinguishable from Luke and thus should be allowable.

2. Allowed Subject Matter

Claims 15-16 and 21-24 have been allowed.

3. Conclusion

Based on the above amendments and remarks, the Applicant submits that the claims are in condition for allowance. The examiner is kindly invited to contact the undersigned attorney to expedite allowance.

Respectfully submitted,



Marc V. Richards
Registration No. 37,921
Attorney for Applicant

Date: June 26, 2006

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(312) 321-4200